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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,270	10/17/2001	Anders Vinberg	063170.7002	7992

5073 7590 09/01/2006

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EXAMINER

YANG, RYAN R

ART UNIT PAPER NUMBER

2628

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/982,270	Applicant(s) VINBERG, ANDERS	
	Examiner Ryan R. Yang	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 6/21/2006.

This action is final.

2. Claims 1-29 are pending in this application. Claims 1, 8 and 12-17 are independent claims. In the Amendment, filed on 6/21/2006, claims 20-19 were added.

3. This application is a Continuation-in-part of application No. 09/949,101.

This application claims Provisional application No. 60/241,049 filed 10/17/2000, and Provisional application No. 60/241,051 filed 10/17/2000.

4. The present title of the invention is "Method and apparatus for displaying 3-D state indicators" as filed originally.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 8 and 12-17 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: it is not clear the relationship between the icons and the status indicators.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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8. Claims 1-2, 4-7, 12, 14, 16, 18, 20, 22, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planas et al. (6,112,015), hereinafter Planas, and further in view of MacPhail et al. (6,661,434), hereinafter MacPhail.

As per claim 1, Planas discloses a method for presenting a status of an object in a graphic display, comprising:

displaying a plurality of icons, wherein:

the icons are associated with a plurality of objects (Figure 4b where 66-68, 70, 72-76 and 79-82 are icons associated with respective nodes); and

the icons are arranged according to locations of the associated objects as deployed in a network (Figure 4b where icons are arranged according to respective nodes).

Planas discloses a method of presenting a status of an object. It is noted that Planas does not explicitly disclose "determining a value of a property associated with a particular object; generating a status indicator representing the determined value; and displaying the status indicator, however, this is known in the art as taught by MacPhail. MacPhail discloses a status displaying method in which a value relating to the object property is iconic displayed (Figure 3c and column 9, line 11-20).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of MacPhail into Planas because Planas discloses using icon to indicate a status of object in a network and MacPhail discloses the icon used in indicating status of an object can represent value in order to more precisely indicate a state.

9. As per claim 2, Planas and MacPhail demonstrated all the elements as applied to the rejection of independent claim 1, supra, and Planas further discloses the status indicator has a translucent quality (column 6, line 60-67).

10. As per claim 4, Planas and MacPhail demonstrated all the elements as applied to the rejection of independent claim 1, supra, and MacPhail further discloses the status indicator is depicted as a bar (Figure 3C where the icon is considered a bar).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of MacPhail into Planas because Planas discloses using icon to indicate a status of object in a network and MacPhail discloses the icon used in indicating status of an object can represent value in order to more precisely indicate a state.

11. As per claim 5, Planas and MacPhail demonstrated all the elements as applied to the rejection of claim 4, supra, and MacPhail further discloses at least one dimension of the bar represents the value of the property (Figure 3c where each of the bar represent a value of the property).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of MacPhail into Planas because Planas discloses using icon to indicate a status of object in a network and MacPhail discloses the icon used in indicating status of an object can represent value in order to more precisely indicate a state.

12. As per claim 6, Planas and MacPhail demonstrated all the elements as applied to the rejection of independent claim 1, supra, and MacPhail further discloses the status indicator is depicted as a quantitative indicator (Figure 3c where the bar graph is a quantitative indicator and can also be considered as a gauge).

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13. As per claim 7, Planas and MacPhail demonstrated all the elements as applied to the rejection of independent claim 1, supra, and MacPhail further discloses the quantitative indicator is a gauge (Figure 3c where the bar graph is a quantitative indicator and can also be considered as a gauge).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of MacPhail into Planas because Planas discloses using icon to indicate a status of object in a network and MacPhail discloses the icon used in indicating status of an object can represent value in order to more precisely indicate a state.

14. Claims 12, 14 and 16 claim an apparatus or software with similar limitations as claim 1, therefore are similarly rejected as claim 1.

15. As per claim 18, Planas and MacPhail demonstrated all the elements as applied to the rejection of independent claim 1, supra, and Planas further discloses

displaying lines between the icons, the lines representing network links (Figure 21c);

determining a status associated with a particular network link (Figure 21c where red dashed line or green beveled or yellow beveled line represent status of the link);
and

modifying the displayed line associated with the particular network link, the modification based at least in part on the determined status (Figure 21c where the displayed link represent the status of the link).

16. As per claim 20, Planas and MacPhail demonstrated all the elements as applied to the rejection of independent claim 1, supra, and MacPhail further discloses displaying

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a control panel associated with the particular object, wherein the control panel comprises textual descriptions of one or more properties represented by status indicators that are currently displayed (Figure 5, where item 101 is a textural description of the associated icon).

17. As per claim 22, Planas and MacPhail demonstrated all the elements as applied to the rejection of independent claim 1, *supra*, and MacPhail further discloses the status indicator is displayed relative to a particular icon representing the particular object (Figure 3C where each status is relative to corresponding icon).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of MacPhail into Planas because Planas discloses using icon to indicate a status of object in a network and MacPhail discloses the icon used in indicating status of an object can represent value in order to more precisely indicate a state.

18. As per claim 23, Planas and MacPhail demonstrated all the elements as applied to the rejection of independent claim 1, *supra*, and Planas further discloses the translucent quality is such that a view of the displayed icons is not obstructed by the status indicator ("The container icons are transparently displayed over a map of the relevant geographical area", column 7, line 6-7).

19. As per claim 27, Planas and MacPhail demonstrated all the elements as applied to the rejection of independent claim 12. Since claim 27 is similar in scope to claim 22, *supra*, it is similarly rejected as claim 22.

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20. Claims 8-11, 13, 15, 17, 19, 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planas et al. and further in view of Jamieson et al. (US 6,577,323).

As per claim 8, Planas discloses a method for presenting a user selected status of an object in a graphic display, comprising:

displaying a plurality of icons, wherein:

the icons are associated with a plurality of objects (Figure 4b where 66-68, 70, 72-76 and 79-82 are icons associated with respective nodes); and

the icons are arranged according to locations of the associated objects as deployed in a network (Figure 4b where icons are arranged according to respective nodes).

Planas discloses a method of presenting the status of an object. It is noted that Planas does not disclose the rest of the claim limitations. However, this is known in the art as taught by Jamieson et al, hereinafter Jamieson discloses a method of presenting a property of an object in which

receiving a request to select a property of a particular object for display ("The algorithm is capable of visually coding other types of information (e.g., deviation from predicted values, **selection of a variable**, and unanticipated state change) and supports navigation for the graphical user interface 50", column 14, line 22-25);

displaying at least one property associated with the particular object;

receiving a selection of a property (Figure 5A, where each component 161-164 is a property of the plant);

determining a value of the selected property (Figure 5A, the Trend shape element 176 displays the value of selected element);

generating a status indicator based on the value of the selected property (Figure 5A, the Trend shape element 176 displays the status of selected property); and

displaying the status indicator (Figure 5A, where the status indicator is relative to the object).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Jamieson into Planas because Planas discloses a method of presenting the status of an object and Jamieson discloses the property to be displayed is selectable in order not to clutter the display area.

21. As per claim 9, Planas and Jamieson demonstrated all the elements as applied to the rejection of claim 8, supra, and Jamieson further discloses the step of generating includes automatically determining the form of the status indicator ("The scale 282 of the process variable gauge 280 automatically adjusts to ensure that the data of the gauge is displayed in a meaningful context", column 20, line 41-43).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Jamieson into Planas because Planas discloses a method of presenting the status of an object and Jamieson discloses the property to be displayed is selectable in order not to clutter the display area.

22. As per claim 10, Planas and Jamieson demonstrated all the elements as applied to the rejection of claim 8, supra, and Jamieson further discloses receiving a selection from the user determining the form of the status indicator ("If there is more than one

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controller available, a pull-down menu button may be used to allow the user to select from a list of other names. Below these items are controller modes 153 and status indication 155. For example, the status indications may include indications such as optimizing, handling constraints, etc. The user can select, such as with use of a pull-down menu, a controller mode 153 such as on, off, warm, etc. The mode may change as a function of the controller condition", column 13, line 29-47).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Jamieson into Planas because Planas discloses a method of presenting the status of an object and Jamieson discloses the property to be displayed is selectable in order not to clutter the display area.

23. As per claim 11, Planas and Jamieson demonstrated all the elements as applied to the rejection of claim 8, supra, and Planas further discloses the form of the status indicator is a bar graph (Figure 3c).

24. Claims 13, 15 and 17 claim an apparatus or software with similar limitations as claim 8 and therefore are similarly rejected as claim 8.

25. Claim 19 claims an apparatus with similar limitations as claim 18 and therefore is similarly rejected as claim 18.

26. As per claim 25, since the claim limitation is similar in scope as claim 22, it is similarly rejected as claim 22.

27. As per claim 29, since the claim limitation is similar in scope as claim 22, it is similarly rejected as claim 22.

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28. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Planas et al. and MacPhail as applied to claim 1 above, and further in view of Griffiths et al. (4,937,037).

29. As per claim 3, Planas and MacPhail demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Planas and MacPhail discloses a method of presenting a status of an object. It is noted that Planas and MacPhail do not explicitly disclose the status indicator has a reflective quality, however, this is known in the art as taught by Griffiths et al., hereinafter Griffiths. Griffiths discloses a method of presenting data in which "in a reflective cell the sttes represent reflective and non-reflective areas such that incident light falling on the screen is selectively reflected to provide a pattern of light and dark areas which can be visually distinguished by an observed" (column 3, line 36-40).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Griffiths into Planas because Planas discloses a method of presenting a status of an object and Griffiths discloses the displayed object can be reflective in order for it to be easily distinguished by an observer.

30. Claims 21, 24, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planas et al. and MacPhail as applied to claim 1 above, and further in view of Battat et al. (6,289,380).

As per claim 21, Planas and MacPhail demonstrated all the elements as applied to the rejection of independent claim 1, supra, and Planas further discloses the icons

are three-dimensional graphical models of the associated objects ("Icon attributes may include various icon outlines, shadings or three dimensional appearances as applied within the border or perimeter of the basic icon", column 5, line 5-7).

Planas and MacPhail disclose a method of presenting a status of an object. It is noted that Planas and MacPhail do not explicitly disclose the associated objects are arranged on a three-dimensional graphical surface. However, this is known in the art as taught by Battat et al., hereinafter Battat. Battat discloses a graphical interface in which the graphical surface is a 3-dimesional topographical surface (column 11, line 58).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching Battat into Planas and MacPhail because Planas and MacPhail discloses a method of presenting a status of an object and Battat discloses an interface surface could be 3-dimenisonal in order to provide a more realistic environment.

31. As claims 24, 26 and 28, since they are similar in scope as claim 21, they are similarly rejected as claim 21.

Response to Arguments

32. Applicant's arguments filed 6/21/2006 have been fully considered but they are not persuasive.

Applicant traverses Examiner's 35 U.S.C. 112 rejection. In reply, Examiner maintains the rejection because Examiner still considers the relationship between the icon and status indicator is not clear.

Applicant tries to claim priority date of 7/15/1997 based on filing date of U.S. Patent No. 5,958,012. In reply, if applicant desires to claim the benefit of a prior-filed

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application under 35 U.S.C. 112, a specific reference to the prior-filed application in compliance with 37 CFR 1.78(a) must be included in the first sentence(s) of the specification following the title or in an application data sheet. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications.

If the instant application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless

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previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

As per claims 1-2, 4-7, 12, 14, 16 and 18, applicant alleges the prior art do not teach the limitation "determining a value of a property associated with a particular object" and "generating a status indicator representing the determined value". In reply, Examine considers these limitations are met by Plana or MacPhail as stated in the rejections. Examiner considers "rough estimation" meets the determining process since the determining process is not specified, and the partially filled icon representing a value

(column 9, line 11-13) meets "generating a status indicator representing the determined value" limitation.

As per claim 8-11, 13, 15, 17 and 19, In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Examiner considers not to clutter a display area is an obvious motivation known to anyone of ordinary skill in the art.

As per claim 3, since reflectivity is used to build a chart, Griffiths reference is relevant to the claimed invention.

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan R. Yang whose telephone number is (571) 272-7666. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ryan Yang
Primary Examiner
August 28, 2006